

DOH's Responses to comments received from DOT-AIR during Public Notice of their Small MS4 Permit, HI S000005 on January 24, 2014

1. **Title.** Request to remove all wash racks from this permit.

Rationale #1: South Ramp Wash Rack, North Wash Rack, and T-Hanger Wash Rack all discharge to an evaporation pond. Therefore, DOTA does not need an authorization to discharge to state waters.

Rational #2: Wikiwiki Wash Rack is part of a construction project set to begin March 1, 2014 and will be demolished. The newly constructed wash rack will discharge solely to the sanitary sewer. Therefore, DOTA does not need an authorization to discharge to state waters.

CWB Response: Acknowledged. All wash racks were removed from the permit.

2. **Part C.3.** Request clarification on the requirement for inspecting state water during inspections (construction, tenant, etc.)

Rationale: It would be more feasible for an inspector to view storm drains and surface water bodies on the site that they are inspecting rather than locating an outfall in a different area.

CWB Response: Acknowledged. Part C.3 was revised to: (new language is underlined)

"During inspections/screenings as required by this permit, the Permittee shall also visually inspect the receiving state waters (i.e., in the area where the inspection is occurring), effluent, and control measures and Best Management Practices (BMPs) to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in HAR, Section 11-54-4. (e.g., the Permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life). Except, if the discharge first enters the MS4, then the permittee may inspect the discharge when it enters the drainage system rather than at the receiving state water (excluding an upset event, BMP failure, or rainfall events greater than 0.25 inches)."

3. **Part D.1.a.(2).** Request that public be defined as those parties that are on DOTA property.

Rationale: Only parties on DOTA property have the capacity to impact the MS4 and DOTA wishes to target resources on those parties.

CWB Response: The request is denied. No change to the permit was required as a result of this comment.

DOH does not want to limit the "General Public" to only those persons on DOT-AIR property because DOH encourages partnerships with other MS4s to maximize cost effectiveness. Partnerships can minimize unnecessarily repeating activities and result in using available resources as efficiently as possible.

4. **Part D.1.a.(2).** Request the removal of the water conservation verbiage.

Rationale: Water conservation does not seem to fit with the goal of the permit to reduce pollutant discharge.

CWB Response: For this permit, "water conservation" was removed from the permit as a result of this comment.

5. **Part D.1.a.(3).** Request removal of the term "general public" from the survey requirement

CWB Response: Acknowledged. The term "general public" was removed from the survey requirement because the results of such survey would not be expected to provide information to assess its efforts and guide its program implementation. Education of the general public remains a component of its permit and may be achieved through partnerships with other MS4.

6. **Part D.1.c.(3).** Request clarification on the spills to land that would be required to be tracked.

Rationale: It would aid in training on reporting procedures to define the spills that must be tracked. Recommend separating spill types as "anything that enter the MS4" and "spills on land greater than their reportable quantity."

CWB Response: DOH disagrees with separating "spills on land greater than their reportable quantity" because for this permit any quantity of spill, regardless of whether a spill exceeded their reportable quantity, could be discharged to the MS4.

No change to the permit was required as a result of this comment.

7. **Part D.1.d.(3).** Request clarification on the term "remedy" in regards to the requirement for inspectors to "identify and remedy any site conditions having the potential for erosion and sediment runoff."

Rationale: It may not be within the inspector's authority to remedy the situation. However, they may be able to research and direct a corrective action.

CWB Response: The term “remedy” was deleted and replaced with the following: (new language is underlined, strikethrough is deleted)

“The inspector shall also identify and ~~remedy any~~ direct corrective actions of site conditions having the potential for erosion and sediment runoff, including other pollutant discharges which may occur as a result of the project’s construction activities.”

8. **Part D.1.d.(1) and 4.** Request clarification on the term “establish rules.”

Rationale: DOTA may not have the authority under HRS 342D to create rules.

CWB Response: The term “establish rules” requires DOT-AIR to amend its existing Hawaii Administrative Rules.

9. **Part D.1.e.** Request permitting DOTA to define projects that would be required to implement post-construction BMPs in the SWMPP.

Rationale: DOTA would like to evaluate which industry types and sizes have greatest impact on the MS4 so that they can be targeted with the post-construction program.

CWB Response: DOH will consider any information DOT-AIR provides, based on its evaluation during this permit term, in its future permit.

No change to the permit was required as a result of this comment.

10. **Part D.1.e.(1).** Request clarification on the standards that must include LID.

CWB Response: LID requirements must be included in DOT-AIR's Permanent Post Construction BMP Manual.

11. **Part D.1.f.(1)(ii)(a).** Recommend removing the term “etc.” from the description of storm drainage structures to be inspected/maintained.

Rationale: The term “etc.” is too broad to allow for specific maintenance contracts to be created.

CWB Response: The term “etc.” was used to represent other types of drainage structure listed as examples, but not included. It was not DOH's intention for DOT-AIR to use the term in its maintenance contracts. However, DOH will delete it since there is no effect.

12. **Part D.1.f.(1)(ii)(a).** Request to clarify the term “gutter” by identifying them as “curb gutter”

CWB Response: Acknowledged. Revised to “curb gutters.”

13. **Part D.1.f.(1)(ii)(b).** Recommend changing requirements for the retention basins to inspecting semi-annually and maintaining as needed.

Rationale: This change will match the requirement for other permanent BMPs as detailed in item (a) of this section.

CWB Response: The sentence was revised to: (new language is underlined, strikethrough is deleted)

“Inspections shall be done semi-annually and maintenance shall be performed semi-at a minimum annually or more frequently as needed.”

14. **Part D.1.f.(1)(v).** Request clarification on the definition of trash.

Rationale: To allow DOTA to better understand what to target with the program.

CWB Response: The following definition of trash was added to the section:

“Trash means all improperly discarded waste material, excluding vegetation, except for yard/landscaping waste that is illegally disposed of in the storm drain system. Examples of trash include, but is not limited to, convenience food, beverage, and other product packages or containers constructed of aluminum, steel, glass, paper, plastic, and other natural and synthetic materials.”

15. **Part D.1.f.(3)(iv).** Request revision of “Islandwide Retrofit Study” to target the airport retrofit study.

Rationale: Islandwide Retrofit Study does not apply to the airport.

CWB Response: Acknowledged. The sentence was revised to refer to its “Retrofit Feasibility Study.”

16. **Part D.1.f.(4)(i).** Recommend replacing the DOT Highways Maintenance Field Manual with the maintenance BMPs developed for Airports in SWMPP Section E and the Baseyard SWPCP.

Rationale: DOTA would like to continue implementing BMPs specifically created for airport activities.

CWB Response: Acknowledged. The sentence was revised to: (new language is underlined, strikethrough is deleted)

~~"BMPs and Field Manual for DOT-AIR maintenance activities - The Permittee shall implement the BMPs as identified in the most current version of the Department of Transportation Highways Division (DOT-HWYS) field manual titled 'Maintenance Activities Best Management Practices Field Manual' (Field Manual) its SWMP Plan, Section E and the Baseyard SWPCP, as applicable for all DOT-AIR maintenance activities."~~

17. **Part D.1.f.(4)(ii).** Request the replacement of the term "municipal" with "airport."

CWB Response: Acknowledged.

18. **Part D.1.g.(2) and (3).** Request the removal of the "Storm Water Questionnaire Survey of Parcels Adjacent to Highway Right of Way."

Rationale: This survey does not apply to airports.

CWB Response: Acknowledged. Replaced the "Storm Water Questionnaire Survey of Parcels Adjacent to Highway Right of Way" with "Airport Tenant Asset Survey Questionnaire Survey."

Part D.1.g.(3) refers to the "Questionnaire Survey."

19. **Part D.1.g.(4).** Request removal of the statement "The Permittee shall submit semi-annual inspection report(s) to the DOH by October 31st and April 30th for inspections done within the previous period."

Rationale: In compliance with the Consent Decree, DOTA would like to instead retain the documents for review upon request.

CWB Response: Acknowledged. The sentence was revised to: (new language is underlined, strikethrough is deleted)

~~The Permittee shall submit semi-annual inspection report(s) to the DOH by October 31st and April 30th for inspections done within the previous period.~~ Copies of all inspection reports shall be maintained for a minimum of 5 years and shall be made available to EPA or DOH upon request, except as otherwise required (i.e., for those highly ranked tenants that are required to have NPDES permit coverage).

Also, logical outgrowth from comments received has resulted in the following additional revision:

"Those that are required to have NPDES permit coverage shall always be ranked as high threat. At least once each calendar year, the Permittee shall review its inspection list and rankings and update them as

necessary. The updated list shall be submitted in the Annual Report.

DOT-AIR shall inspect each tenant/activity in each ranking class as follows:

- *High ranked, other than those that are required to have NPDES permit coverage, shall be inspected at least quarterly.*
- *High ranked that are required to have NPDES permit coverage shall be inspected at least annually. DOT-AIR shall submit a copy of each report of these inspections to DOH within 30 calendar days of the inspection.”*

Without the additional language, annual inspections of non-filers (i.e., those without NPDES permit coverage but required to have coverage) would not be required.

20. **Part F.2.** Request removal of the monitoring requirements for wash racks.

Rationale: Wash racks should not be covered under this permit.

CWB Response: Acknowledged.